

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GREGORY ALDERSON,

Plaintiff,

v.

XPO LOGISTICS FREIGHT, INC.,

Defendant.

Case No. 1:17-cv-09329 (KMK)

(PROPOSED) CASE MANAGEMENT PLAN AND SCHEDULING ORDER

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, Plaintiff Gregory Alderson and Defendant XPO Logistics Freight, Inc., propose the following Case Management Plan and Scheduling Order:

1. All parties **do not consent** to conducting all further proceedings before a United States Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c).
2. The parties **have** engaged in settlement discussions.
3. This case **is** to be tried to a jury.
4. Except as provided by Rule 15 of the Federal Rules of Civil Procedure, no additional parties may be joined without leave of the Court.
5. Except as provided by Rule 15 of the Federal Rules of Civil Procedure, no additional causes of action or defenses may be asserted after without leave of the Court.
6. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than **September 4, 2018**.
7. All fact discovery is to be completed no later than **December 16, 2018**.

8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 7 above.

- a. Initial requests for production of documents shall be served by **September 4, 2018**.
- b. Interrogatories shall be served by **September 4, 2018**.
- c. Depositions shall be completed by **December 16, 2018**.
 - i. Absent an agreement between the parties or an order from the Court, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority for depositions by reason of a party's status as a plaintiff or a defendant.
 - iii. Absent an agreement between the parties or an order from the Court, nonparty depositions shall follow initial party depositions.
- d. Requests for admissions shall be served no later than **January 16, 2019**.

9. All expert discovery, including disclosures, reports, production of underlying documents, and deposition shall be completed by **December 16, 2018**.

10. All discovery shall be completed no later than **December 16, 2018**

11. The Court will conduct a post-discovery conference on **[To Be Completed by the Court]**. No later than two weeks in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party

intends to file a dispositive motion and what efforts the parties have made to settle the action. If either party contemplates filing a dispositive motion, the parties should be prepared to discuss a briefing schedule at the post-discovery conference.

12. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due 30 days from the close of discovery, or if any dispositive motion is filed, 30 days from the Court's decision on such motion. This case shall be trial ready 60 days from the close of discovery or from the Court's decision on any dispositive motion.

13. Counsel for the parties propose the following alternative dispute resolution mechanism for this case: referral to a Magistrate Judge for settlement discussions. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

14. The parties have conferred and their present best estimate of the length of trial is **3-4 days**.

Dated: August 3, 2018

JOINTLY AND RESPECTFULLY SUBMITTED:

s/ Benjamin Weisenberg
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ATTORNEY FOR DEFENDANTS

SO ORDERED THIS __ DAY OF _____ 2018:

The Honorable Kenneth M. Karas
United States District Judge